

## **COMPLETION REPORT**

**5468**

(No. 3 June 1991)

The timber owner or his/her agent is required to submit a Timber Operation Work Completion report, form RM-71, to the department within one month after completion of work described in a THP or emergency notice, excluding work for stocking (PRC §4585). The report shall be filed at the region office where the THP or emergency notice was filed.

Before the completion of a THP or emergency notice, the form RM-71 should be sent to the timber owner with an explanation of the requirements for reporting the completion and meeting of stocking requirements for the timber operation. When an RPF is responsible for the entire operation, the form should be sent directly to the RPF.

## **EVALUATION OF COMPLETION REPORT**

**5468.1**

(No. 3 June 1991)

A completion report submitted more than one month after the completion date will be accepted, but the submitter should be reminded of the one-month time requirement. During inspections, CDF employees should impress upon timber owners and RPFs the need to submit reports on time.

In accordance with the Board of Forestry's rules and regulations and the Forest Practice Act, the department has up to six months to certify completion. If not certified as complete within this time limit, the completion report is approved by default. The six-month certification and inspection period is extended automatically if the operation is found to be incomplete or if a correctable violation exists. A completion report will not be approved unless all required work, excluding stocking, is complete.

### Timber Operations Completed Satisfactorily

The logged areas specified in the Work Completion Report will be inspected for compliance with the plan requirements and the forest practice rules. If the operation is found to be in conformance, a CDF RPF will certify the completion report. The original of the completion report will be placed in the official THP file at the regional office and a copy shall be sent to the Director's office and to each party to the THP.

## Timber Operations Not Completed Satisfactorily

If a violation or unfinished work is found during the completion inspection, the completion report will be returned unsigned to the person submitting the report. An exception to this requirement may be the existence of a minor violation that will be corrected within a week and within the six-month period. In this exception a LE-3 showing the violation will be prepared and issued as required. In all other instances, a photocopy of the completion report will be retained and placed in the official THP file. An inspection report will be returned with the completion report, and a copy of the inspection report will also be sent to each party to the THP. The inspection report will contain a description of any violation, the corrective work required, and the date by which it must be completed. If necessary, a letter may be attached to the inspection report stating that the department will issue a Notice of Intent to Take Corrective Action if all work described in the inspection report is not completed by the due date.

A second inspection will be conducted on or shortly after the date specified for completion of the corrective work. If the work described in the first inspection report to correct violations has been completed, a second inspection report stating that no violations were observed will be prepared and sent to each party to the THP. The report will also state that a new completion report must be submitted within 30 days of receipt of the inspection report. If the report is not submitted as required, the delinquent completion report procedure will be followed.

If the corrective work described in the inspection report is not completed by the specified date, a Notice of Intent to Take Corrective Action should be issued as described in the Personnel Procedures Handbook or, if suitable, a stipulated agreement may be completed in conjunction with the Director's staff. The Notice of Intent must include a requirement for resubmission of a completion report when the notice is satisfied. At this time, other enforcement action should be considered. When the completion report is submitted, it will be issued and distributed.

## **WHEN COMPLETION REPORT SHOULD NOT BE ACCEPTED 5468.2**

(No. 3 June 1991)

A completion report should not be accepted under any of the following circumstances:

- As a notice of seasonal shutdown when timber operations are expected to resume the following logging season.
- Before timber operations are completed.

An exception may exist when the logger area meets the stocking requirement, but logs are on the ground and not skidded, and the timber owner wants to close out the plan and submit a new one. This can be done only when the operations that have been conducted are in compliance with the rules and regulations of the Board of Forestry. In addition, site preparation work for restocking may not be considered grounds for returning a completion report.

## **DELINQUENT COMPLETION REPORT**

**5468.3**

(No. 3 June 1991)

If a work completion report is not submitted within one month of the expiration of a THP, the timber owner and other parties to the THP will be notified through an inspection report that a violation of PRC § 4585 exists. The report should state the manner in which the violation can be corrected and provide reasonable time for correction. If the completion report is not received within the required time period, a completion inspection must be made to determine the status of the plan and whether other violations exist.

A Notice of Intent to Take Corrective Action should not be issued when failure to submit a completion report is the only violation, but it may be included in such notice when other violations need correction.

Appropriate administrative or misdemeanor action (see [Section 5500](#)) shall be initiated, and documentation shall be included in the official THP file. A copy shall be sent to the Director's office.

## **ANNUAL COMPLETION REPORTS**

**5468.4**

(No. 3 June 1991)

The Forest Practice Act, as amended (PRC § 4585), will allow not more than one annual completion report per year per THP to be filed with CDF. An annual completion report must meet the following conditions, as a minimum, before the department can accept it.

- All work, except work for stocking, must be complete and in conformance with the FPA and rules on that portion of a THP for which a completion report is being filed.
- The portion of a THP for which a completion report is being filed shall be clearly identified on a map submitted with the report.

A plan submitter can add an area to a THP for which an annual completion report has already been filed. The following conditions apply to such amendment.

- An amendment to add area to a plan is a substantial deviation.

- The department must treat a substantial deviation as if it were a new THP. This means that the review period and noticing requirements for the amendment is the same as for a new plan.
- A substantial deviation requires the plan submitter to meet the notice requirements for a plan, as described in 14 CCR § 1032.7, and to provide any information required by 14 CCR § 1034 that is different or not contained in the plan.
- The timber operations on any area added to a plan would have to be completed within the effective period described in the plan.

## **STOCKING REPORTS**

**5468.5**

(No. 3 June 1991)

All THPs and emergency notices, except for conversion operations where live trees were cut, require the submission of a report of stocking certifying that the area meets stocking standards (14 CCR § 1075 and PRC § 4587). A waiver of sampling is a report of stocking and may be submitted under specified conditions (see Waiver of Sampling in this section).

The timber owner or agent must submit the report of stocking within five years or six months (depending on the cutting method) after the completion of operations to the region office where the THP or emergency notice was filed. A stocking survey will be conducted according to the methods established by the Board of Forestry.

Care should be taken to ensure that each report is verified within six months after receipt by the department; otherwise, it will be approved by default (PRC § 4588). Verification by a CDF inspector consists of reviewing the form to determine (1) if it is complete and in proper order, and (2) if it followed the stocking sampling procedures established by the board. If, in the inspector's judgment, there is a question about the adequacy of stocking or the method employed, he/she should conduct an independent survey.

If a satisfactory report of stocking has not been submitted before the beginning of the fourth growing season following completion of logging, a Request for Stocking Reports I (not available in e-format) should be sent to the timber owner informing him/her of the stocking requirements and the obligation to submit a stocking report. A copy of the standardized stocking sampling procedure and a report of the stocking form should be included. The timber owner should be reminded that the department can take corrective action at the timber owner's expense if a report of satisfactory stocking is not filed within the five-year period (see Delinquent Stocking Reports in this Section).

## Stocking Reports for Understocked and Substantially Damaged Timberlands

The board for understocked and substantially damaged timberlands has adopted special stocking regulations. Care must be taken to review each area sampled to determine if the understocked areas match those in the original THP.

Stocking reports are required for all emergency notices. If only dead trees are harvested as a result of the emergency, the stocking report should indicate this and state that no planting is required. If any live trees are cut, the appropriate standards for substantially damaged timberlands apply, and the stocking report should indicate what actions have been taken.

### Partial Stocking Report

PRC § 4587 clearly establishes that a single stocking report must be submitted on the entire logged area as shown in a completion report (this could be an annual completion report). Therefore, do not accept a stocking report for only a portion of a harvested area. One exception would be a 40-acre sample submitted for a larger area, as allowed in 14 CCR § 1072.3, in which case the report should clearly state that the sample represents the entire area upon which a completion report was filed. The second exception would be a property that is subdivided after completion before submission of a stocking report.

Stocking reports will not be accepted for a THP until all harvesting operations are completed on the area covered by a completion report or until the plan has expired and a work completion report has been submitted. Otherwise, additional logging or work to correct other violations could reduce stocking.

If a THP has more than one silvicultural method (e.g., selection and clear-cut), stocking may not be approved on any portion of the operation until the entire area is adequately stocked according to board regulation. The same applies if a plan requires two different stocking standards (e.g., regular stocking standards and standards for areas that were understocked before harvest). A stocking report will not be accepted until all applicable standards have been met.

### Approval/Disapproval of Stocking Report

A licensed CDF forester (RPF) shall certify an approved stocking report. Nonlicensed CDF personnel under the direction of a CDF RPF may make inspections. The original, signed report of stocking will be placed in the region THP file, and copies will be sent to the submitter, timberland owner, timber owner, agent, or RPF, as appropriate. A copy also will be sent to the Director's office.

If a report of stocking is incomplete or incorrect in any way, it will be returned to the submitter with a letter detailing the deficiencies. This may be done at the unit or region level depending on local policy. A copy of the deficiency report and the CDF return letter will be placed in the region's plan file.

### Annual Reporting Requirements

The coast and northern district rules require special reporting to the Director two years following completion of operations and annually thereafter until stocking is met. Regions involved will establish procedures to ensure compliance with these requirements and will maintain copies of all required reports in THP files. These annual reports are not the reports of stocking specified in PRC § 4587.

### Delinquent Stocking Reports

PRC § 4587 requires the submission of a stocking report within five years after the completion of timber operations, and 14 CCR § 1075 requires the report to certify that the area meets stocking standards. The five-year period begins on the completion date shown on the completion report or on the expiration date of the plan, whichever occurs first. If no stocking report has been submitted to the department at the end of the five-year period, the region office will send a Request for Stocking Reports II (not available in e-format) to the timber and timberland owners. If the report is not received within 30 days, the region office will issue a notice of intent to prepare a stocking report. If the report is then submitted showing stocking deficiencies or if the CDF inspector suspects that stocking violations exist, he/she should make a survey of the plan area to verify the violations. If there is a violation, a notice of intent to take corrective action to require restocking should not be issued after action on the first notice is complete. A notice to require restocking should be issued before the notice for a stocking report has been issued and acted on. However, in the event that a report showing stocking deficiencies is submitted on time, a notice of intent to require restocking may be issued immediately at the end of the five-year stocking period. Other enforcement actions also may be appropriate in these situations. A notice of intent to require restocking or other law enforcement action may not be needed if there is physical evidence that the responsible parties have begun work to bring the area into compliance. In such cases, however, a notice of violation should be sent as a reminder to keep the file open.

### Waiver of Sampling

An area that is obviously stocked upon completion of timber operations qualifies to have a waiver of sampling submitted.

A waiver of sampling must be submitted to the department by the timberland owner or an RPF acting as an agent within five years of the completion of the timber operations (see PRC § 4587; 14 CCR § 1074 - 1074.1).

When reviewing waiver of sampling, two important conditions must be met:

1. Stocking on the entire harvested area must comply with forest practice standards.
2. In the professional judgment of the CDF inspector, the harvested area must be stocked.

If both of these conditions are met, the report of stocking will be approved, and a CDF RPF will sign the Director's certification. The signed original will be placed in the official file for the THP in the region office and a copy sent to the Director. A copy will also be sent to the person who submitted the report.

If, after an inspection, the CDF inspector determines that a portion of the harvesting area obviously is not stocked, the waiver will be returned as unacceptable. The cover letter with the returned form will indicate that a stocking survey (14 CCR § 1070-1075) is necessary.

If a private RPF repeatedly submits waivers of sampling with which department foresters disagree and if subsequent sampling consistently shows the RPF to be in error, a request for investigation of the RPF for unprofessional conduct under the Professional Foresters Law should be considered.

### Annual Stocking Reports

The ability to file annual completion reports brings with it the obligation to meet the stocking requirements of the act and rules within five years, or as otherwise required by the rules for the area identified in an annual completion report. Therefore, for every completion report filed on plan, a report of stocking covering the area described in the completion report will be needed. A report of stocking cannot cover a portion of the area described in a completion report. It can, however, cover the area described in several completion reports so long as the covered areas are all part of the same THP.

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